

REMARKS

Applicant has carefully reviewed the Office Action of April 1, 2003 and offers the following remarks to accompany the above amendments. The amendments and remarks are tempered, in part, by the conversations with the Examiner on April 24, 2003. Specifically, the amendments link the cash transaction to the fueling transaction and indicate that the control system associates the customer information with the identification indicia so that the customer gets credit for the fueling transaction. The credit may be change from the fueling transaction, a loyalty benefit or the like.

§ 102(b)

Claims 10-14 and 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gunnarsson. Applicant respectfully traverses. For the Patent Office to formulate a proper anticipation rejection, the reference must show all of the claim elements arranged as claimed. MPEP § 2131. As amended, the claims recite that the cash transaction indication is related to the fueling transaction. Gunnarsson's only cash transaction is when the transponder is recharged. Further, the claims, as amended, recite that the control system associates the customer information with the identification indicia. In this manner, the control system can track and reward cash customers. In contrast, the prior art systems may show a wireless transponder system and a cash acceptor operating in parallel, but none of the prior art shows the wireless system being used to track cash customers. To this extent, the reference does not show all of the claim elements arranged as claimed and the claims are not anticipated. Applicant requests withdrawal of the anticipation rejection at this time.

§ 103

Claims 4, 10-14, 26-28, 39, and 44-46 were rejected under 35 U.S.C. § 103 as being unpatentable over Gunnarsson in view of Ramsey. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is located. MPEP § 2143.03. As amended, the claims recite that the customer identification is linked to the identification indicia and that the cash transaction is based on the fueling transaction. As explained above, the references do not link the cash transaction to the remote communications unit, nor do they link the customer information to the information

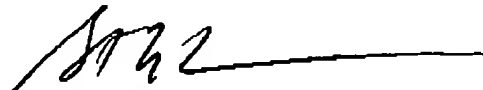
indicia as a function of a cash based fueling transaction. Gunnarsson was specifically discussed above. Applicant has also studied Ramsey and finds nothing therein that cures the deficiencies of Gunnarsson in this regard. Since neither reference individually teaches or suggests the amended claim elements, the combination of references cannot teach or suggest the claim elements. Since the combination of references does not teach or suggest all the claim elements, the Patent Office has not established *prima facie* obviousness and the claims are patentable over the rejection of record.

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein as well as the conversations of April 24, 2003. If additional matters remain to be resolved after this amendment, Applicant invites the Examiner to contact the undersigned or his associate Taylor Davenport by phone so that such matters may be expedited.

Respectfully submitted,

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